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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

JOHN BURNELL, GILBERT  
SAUCILLO, and all others similarly  
situated,

Plaintiffs,

v.

SWIFT TRANSPORTATION CO. OF  
ARIZONA, LLC,

Defendant.

**CASE NO. 5:10-CV-00809-VAP (OPx)**

**CLASS ACTION**

**NOTICE OF MOTION AND  
MOTION FOR CLASS  
CERTIFICATION**

DATE: April 25, 2016

TIME: 2:00 p.m.

CTRM: 2

JUDGE: Virginia A. Phillips

Complaint Filed: March 22, 2010

Trial Date: None Set

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on April 25, 2016 at 2:00 p.m., or as soon thereafter as the matter may be heard at the above-entitled court located at 3470 Twelfth Street Riverside, California 92501-3801, Courtroom 2, Plaintiffs will and hereby do move this Court for an Order:

1. Certifying this case as a class action on behalf of a class of individuals which are defined as follows:

- The Plaintiff Class: All current and former California-based employees truck drivers of Swift Transportation Co. of Arizona LLC, at any time from March 22, 2006 up to and including the date judgment is rendered in this action. (the “Class Period”).
  - “California-based” means employees who had a residential address in California at any time during the Class Period or who were assigned to or associated with a branch or operating point located in California at any time during the Class Period. The phrase assigned to or associated with an operating center or operating point refers to any and all employees listed in Swift’s databases in connection with a branch or operating point.

2. Certifying this case as a class action on behalf of the following sub-classes defined as follows:

- The Piece Rate Subclass: All members of the Plaintiff Class who at any time were paid based on mileage.
- The California Intrastate Subclass: All members of the Plaintiff Class identified in Swift’s records as intrastate drivers.
- The Former Driver Subclass: All members of the Plaintiff Class who are no longer employed by Defendant.

3. Authorizing Plaintiffs to send Notice and a Request for Exclusion Form pursuant to Rule 23 (in a form to be approved by the Court after the parties meet and confer) to all absent class members;

1 4. Reserving to Plaintiffs and the class the right to send out further notice prior to  
2 a merits determination of the Rule 23 claims;

3 5. Certifying Plaintiffs John Burnell and Gilbert Saucillo as the representatives of  
4 the Class and subclasses; and

5 6. Appointing Marlin & Saltzman, LLP as Class Counsel.

6 This motion is based upon this Notice, the concurrently filed Memorandum of  
7 Points and Authorities, the Declaration of Christina A. Humphrey ISO Motion for  
8 Class Certification and attached exhibits, the Declaration of Christina A. Humphrey  
9 Re Adequacy, the Declaration of John Burnell, the Declaration of Gilbert Saucillo, the  
10 putative class member declarations, and such further evidence as the Court may  
11 consider with respect to this motion.

12  
13 DATED: \_January 22, 2016\_\_\_\_\_

**MARLIN & SALTZMAN, LLP**  
**LAW OFFICES OF SHAUN SETAREH**

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15 By: /s/ Christina A. Humphrey  
16 Stanley D. Saltzman, Esq.  
17 Marcus J. Bradley, Esq.  
18 Christina A. Humphrey, Esq.  
19 Leslie H. Joyner, Esq.  
20 Attorneys for Plaintiffs  
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